

House Bill 1270

By: Representatives Hill of the 16<sup>th</sup>, Rogers of the 15<sup>th</sup>, Lewis of the 12<sup>th</sup>, Franklin of the 17<sup>th</sup>,  
Chambers of the 53<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to  
2 school program weights, maximum class size, and reporting requirements, so as to change  
3 certain provisions with respect to maximum class size; to provide an effective date; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to school  
8 program weights, maximum class size, and reporting requirements, is amended by striking  
9 subsections (i), (j), and (k) and inserting in their places new subsections (i), (j), and (k) to  
10 read as follows:

11 "(i) The State Board of Education shall adopt for each instructional program authorized  
12 pursuant to Part 3 of this article and the middle school program provided for in Code  
13 Section 20-2-290 the maximum number of students which may be taught by a teacher in  
14 an instructional period. Such maximum class sizes shall be equal to or greater than the  
15 teacher-student ratios used in the calculation of the program weights as set forth in  
16 subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by  
17 more than 20 percent, unless specifically authorized by the State Board of Education;  
18 provided, however, that in no case shall the 20 percent maximum be exceeded for  
19 mathematics, science, social studies, or English classes; provided, further, that the  
20 maximum class size for kindergarten and grades one through three shall not exceed 20  
21 percent over the funding ratio except for art, music, or physical education classes;  
22 provided, further, that the maximum class size for special education, gifted, and English  
23 for speakers of other languages classes shall be set by the State Board of Education. For  
24 a period not to exceed four years, beginning with the 2000-2001 school year, local school  
25 systems shall be allowed to exceed the maximum class sizes set forth in this subsection in  
26 a manner consistent with State Board of Education rules. The State Board of Education

1 shall lower the current maximum class sizes set by state board rules in effect for the  
 2 1999-2000 school year, beginning with the 2000-2001 school year, by a proportional  
 3 amount each school year so that, beginning with the 2003-2004 school year, State Board  
 4 of Education rules are in compliance with this subsection except as otherwise provided in  
 5 subsection (k) of this Code section ~~for the 2003-2004 school year only~~. An aide may be  
 6 used in programs to increase class size as allowed by State Board of Education rule, except  
 7 that an aide shall not be used to increase the maximum class size in kindergarten or grades  
 8 one through three, except as otherwise provided in subsection (k) of this Code section ~~for~~  
 9 ~~the 2003-2004 school year only~~. The maximum class size for the kindergarten and primary  
 10 grades programs is defined as the number of students in a physical classroom. Maximum  
 11 class sizes that result in a fractional full-time equivalent shall be rounded up to the nearest  
 12 whole number as needed. The middle school program shall use the teacher-student ratio  
 13 of the middle grades program for the purpose of this subsection. The number of students  
 14 taught by a teacher at any time after the first 15 school days of a school year may not  
 15 exceed the maximum such number unless authorization for a specific larger number is  
 16 requested of the state board, along with the educational justification for granting the  
 17 requested exemption, and the state board has approved said request. The state board shall  
 18 not reduce class sizes without the authorization of the General Assembly if this reduction  
 19 necessitates added costs for facilities, personnel, and other program needs. Local boards  
 20 of education may reduce class sizes, build additional facilities, and provide other resources  
 21 at local cost if such actions are in the best interest of the local school systems' programs  
 22 as determined by the local boards of education.

23 (j) In its report of the initial full-time equivalent program count required by subsection (a)  
 24 of Code Section 20-2-160, each local school system shall report to the Department of  
 25 Education the number of students in each class in each school as of the date of the initial  
 26 enrollment count; for schools where students change classes during the school day, the  
 27 local school system shall report the number of students in each class period. Each local  
 28 school system shall also report to the Department of Education by March 15 of each school  
 29 year the number of students in each class in each school as of the first Monday in March;  
 30 for schools where students change classes during the school day, the local school system  
 31 shall report the number of students in each class period.

32 (k) ~~For the 2003-2004 school year, the maximum class sizes set by the State Board of~~  
 33 ~~Education for the 2002-2003 school year shall apply for grades four through 12. For the~~  
 34 ~~2003-2004 school year, the~~ The maximum class sizes set by the State Board of Education  
 35 for the 2003-2004 school year shall apply to kindergarten and grades one through three,  
 36 except that a kindergarten class may be increased to 20 students if a paraprofessional is  
 37 present in addition to the certificated teacher. ~~For the 2003-2004 school year, compliance~~

1 Compliance with maximum class size requirements shall be determined by the system  
2 average for kindergarten and for each grade and no class shall exceed the applicable  
3 maximum size by more than two students. ~~Except as otherwise provided in this subsection,  
4 other provisions of this Code section shall apply. This subsection shall not be construed  
5 to repeal any other provision of this Code section or this chapter, or to apply to any period  
6 of time other than the fiscal year beginning July 1, 2003, and ending June 30, 2004. This  
7 subsection shall be automatically repealed July 1, 2004."~~

8 **SECTION 2.**

9 This Act shall become effective upon its approval by the Governor or upon its becoming law  
10 without such approval.

11 **SECTION 3.**

12 All laws and parts of laws in conflict with this Act are repealed.